IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 536 OF 2006
IN
WRIT PETITION NO. 2518 OF 2005

Kum. Sangeeta Laxman Vidhate ..Appellant.

V/s.

1. The Secretary, Pragati Education Trust of Savitribai Phule Girls School and others. .. Respondents.

Ms.Jane Cox for the Appellant.

Mr.A.B.Shah for Respondent Nos.1 and 2.

Ms.Mugdha Jadhav, Assistant Government Pleader for Respondents Nos.3 & 4.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 18TH AUGUST, 2006.

P.C.:

. Heard.

2. By the order dated 30th March, 1996 the appellant was terminated from service. The notice of termination of service issued by respondent No.1 reads thus :-

SAVITRIBAI PHULE GIRLS SCHOOL
Tilak Nagar,Sakinaka Bombay-400072

No.34/2905/95-96 Date: 30/3/96

To,
Kum.Vidhate Sangita Laxman
Asstt. Teacher.

Sub: Notice of termination of services.

. This is to inform you that your appointment from 22/6/95 to 30/4/96, was made for One Academic year with your consent. Therefore, your services stand Terminated w.e. from 30/04/1996.

. Incidentally, I may state that the Education Department had granted approval for Appointment only for one year i.e. 1995-96.

Also in view of your C.R. of the past academic year (1995-96) your services is terminated under MEPS Rule No.28 (5-a,c,d).

. By directions, I therefore give you this one calendar month's Notice.

. Please treat this as the notice of Termination of your services from the next academic year.

Sd/-	Sd/-	Sd/-
TRUSTEE	Executive Trustee Pragati Educational Trust Saki-Naka, Bombay -72	Principal Savitribai Phule Girl's School, Tilak Nagar,Sakinaka Bombay-400 072

3. The appellant challenged the order of termination before the College Tribunal but was unsuccessful. The writ petition filed against the said order has been dismissed by the impugned order.

4. We find that the appointment of the appellant was for a specific period from 22.06.1995 to 30.04.1996 and, therefore, upon completion of that tenure, her

services were liable to be terminated and to that extent there is no illegality in the notice of termination dated 30th March, 1996.

5. However, there is substance in the submission of the counsel for the appellant that if appellant's services came to be terminated on completion of the said tenure, there was no justification for terminating the appellant's services by invoking MEPS Rule No.28(5)(a), (c) & (d). Obviously, if the appellant's services were terminated under the MEPS Rule No.28 (5)(a),(c),(d), the procedure by way of institution of an enquiry had to be followed. Controverted with this difficulty, the counsel for Respondent No.1 submitted that the following part of the notice dated 30th March, 1996 may be deleted :-

> "Also in view of your C.R. of the past academic year (1995-96) your services is terminated under MEPS Rule No.28 (5-a,c,d)."

This submission of the counsel for respondent No.1 is fair.

6. We, accordingly, quash and set aside the afore-noticed portion of the notice dated 30th March,1996.

7. With the aforesaid modification, the notice of termination dated 30th March, 1996 is sustained.

8. Order accordingly. Appeal stands disposed of.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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